

REMARKS

As amended, the present application contains claims 49-55. The Examiner has rejected claims 49-54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,782,915 (the '915 patent) in view of U.S. Patent No. 5,968,096. The captioned application is a divisional application of U.S. Patent Application Serial No. 08/913,771, filed on December 17, 1997, which is a continuation-in-part application that claims priority to U.S. Patent Application Serial No. 08/628,773 (the '773 application), filed April 5, 1996, and issued as U.S. Patent No. 5,788,625 (the '625 patent). Support for the claims of the captioned application may be found in the earlier '773 application (see column 6, lines 44-46 of the '625 patent) where the claimed method embodiment of the invention is described using multi-layered submucosa graft structures of the "desired thickness" *i.e.*, the thickness of the cartilaginous material to be replaced. The application that issued as the cited '915 patent was filed on April 5, 1996, the same filing date as the filing date of the parent '773 application. Accordingly, the cited '915 patent is not prior art to the captioned application. Withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the '915 patent in view of U.S. Patent 5,968,096 is respectfully requested.

The Examiner has rejected claims 49-53 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,881,773 (the '773 patent) in view of U.S. Patent No. 5,281,422. As discussed above, the captioned application claims priority to U.S. Patent Application Serial No. 08/628,773, filed on April 5, 1996. The filing date of the application that issued as the cited '773 patent was September 13, 1996, after the filing date of the parent '773 application. Thus, the '773 patent is not prior art to the captioned application. Withdrawal of the rejection of claims 49-53 under 35 U.S.C. § 103(a) is respectfully requested.

CONCLUSION

The foregoing remarks are believed to fully respond to the Examiner's rejection. The claims are in condition for allowance. Applicants respectfully request allowance of the claims, and passage of the application to issuance.

Respectfully submitted,



Rebecca L. Ball
Registration No. 46,535
Attorney for Applicants

RVB:glt
(317) 231-7511
Indianapolis, Indiana 46204